

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION.**

**IN RE:**

**CINCH WIRELINE SERVICES, LLC,  
DEBTOR.**

**CASE NO. 23-51742-CAG  
CHAPTER 7 BANKRUPTCY**

**JOHN PATRICK LOWE, CHAPTER 7  
TRUSTEE FOR CINCH WIRELINE  
SERVICES, LLC,  
PLAINTIFF.**

**vs.**

**ADV. NO. 24-05011-CAG**

**CINCH ENERGY SERVICES, LLC; CINCH  
INVESTMENT HOLDINGS, LLC; CES  
GROUP HOLDINGS, LLC; HOOK N BULL  
PROPERTIES, LLC; LOS CABOS RANCH,  
LLC; FTS RANCH, LLC; FTSJR  
HOLDINGS, LLC; WFO HOMES, LLC;  
TEXAS COAST BUILDERS, LLC; 17 MAIN,  
LLC; GRANDER HOLDINGS, LLC; WFO,  
LLC; PONDER RANCH, LLC; BL EQUITY  
HOLDINGS, LLC; OCEAN FLOOR  
HOLDINGS, LLC; FRANK THOMAS  
SHUMATE; MARK LOPEZ; LORETTA L.  
HIGGINS; TIMOTHY GAINES POLLARD;  
JERRY MILLER AND SUCH OTHER YET  
UNKNOWN DEFENDANTS ("JOHN DOE  
DEFENDANTS"),  
DEFENDANTS.**

**DEFENDANTS MARK LOPEZ AND LOS CABOS RANCH, LLC'S EXPEDITED  
MOTION TO SELL THE REAL PROPERTY CONTROLLED BY LOS CABOS  
RANCH, LLC.**

**THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO YOUR  
INTERESTS.**

**IF NO TIMELY RESPONSE IS FILED WITHIN 21 DAYS FROM THE DATE OF**

**SERVICE, THE RELIEF REQUESTED HEREIN MAY BE GRANTED WITHOUT A HEARING BEING HELD.**

**A TIMELY FILED RESPONSE IS NECESSARY FOR A HEARING TO BE.**

**TO THE CHIEF UNITED STATES BANKRUPTCY JUDGE CRAIG A. GARGOTTA:**

1. The adversary proceeding pending before this Bankruptcy Court is complicated, but this Motion is not.

2. John Patrick Lowe has been appointed as the Trustee in regard to Cinch Wireline Services, LLC<sup>1</sup>.

3. Mark Lopez is the managing member of Los Cabos Ranch, LLC. None of the other Defendants in this adversary proceeding, and no other members of Cinch Energy Services, LLC or Cinch Wireline Services, LLC have a membership interest in Los Cabos Ranch, LLC<sup>2</sup>.

4. Neither Mark Lopez nor Los Cabos Ranch, LLC (nor the limited liability company's members) are debtors in regard to the above-referenced bankruptcy. Both Mark Lopez and Los Cabos Ranch, LLC are named Defendants in regard to this adversary proceeding.

5. Mark Lopez has two avenues of involvement with Cinch Wireline Services, LLC, both of which are indirect.

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<sup>1</sup> Currently, the Trustee is represented by attorneys Butch Boyd and Shelby A. Jordan. Recently, counsel for Defendant Frank T. Shumate filed a motion to Disqualify Butch Boyd Law Firm, P.C. and Jordan & Ortiz, P.C as special counsel for the Trustee. In regard to his duties, the Trustee filed an adversary complaint against a number of parties including Mark Lopez and Los Cabos Ranch, LLC. A recent motion was filed to disqualify the Trustee's attorneys. (BK Document # 141). The Bankruptcy Court has yet to rule on this motion to disqualify counsel. Nevertheless, whether special counsel remains. Should they be later disqualified, the adversary proceeding may still continue.

<sup>2</sup> Mark Lopez is the managing member of Los Cabos Ranch, LLC. The other two members of Los Cabos Ranch, LLC are Dolly Lopez and Stacy Tomas. Neither Dolly Lopez nor Stacy Tomas are parties in the above-stated bankruptcy or the above-stated adversary proceeding.

6. First, because of his prior employment with the company, Mark Lopez is a minority member of Cinch Energy Services, LLC. Cinch Energy Services, LLC (but not Mark Lopez directly) may own a minority interest in Cinch Wireline Services, LLC<sup>3</sup>.

7. Second, Mark Lopez worked for Cinch Energy Services LLC (but not Cinch Wireline Services, LLC) until December 2023<sup>4</sup>. Mark Lopez did not (and does not) work for Cinch Wireline Services, LLC.

8. Part of the funds to acquire the real property known as Los Cabos Ranch (“the ranch”) were obtained as part of Mark Lopez’ employment from Cinch Energy Services, LLC. The funds were not obtained from Cinch Wireline Services, LLC.

9. However, the Chapter 7 Trustee contends that Cinch Wireline Services, LLC (which is a debtor in bankruptcy) and Cinch Energy Services, LLC (which is not a debtor in bankruptcy) were part of the same enterprise, the funds from both entities were commingled, and other arguments.

10. As a former employee and minority member of Cinch Energy Services, LLC, Mr. Lopez described himself as the “sweat of the organization.” During his employment with Cinch Energy Services, LLC, Mr. Lopez concerned himself with bringing in business for Cinch Energy Services, LLC (but not Cinch Wireline Services, LLC), and working in the field to see that the jobs obtained by Cinch Energy Services, LLC were completed. He was not intimately involved in the business aspects of Cinch

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<sup>3</sup> The percent of ownership in Cinch Energy Services, LLC in Cinch Wireline, LLC is in dispute. Regardless, Mark Lopez is a minority member of Cinch Energy Services, LLC. Cinch Energy Services, LLC is/was controlled by Defendant Frank T. Shumate.

<sup>4</sup> Neither Mark Lopez nor Los Cabos Ranch, LLC are presently employed by any party associated with the above-stated bankruptcy or adversary proceeding.

Energy Services, LLC apart from obtaining contracts for Cinch Energy Services, LLC's work and fulfilling those obligations.

11. The most substantial asset of Los Cabos Ranch, LLC is the ranch. Without the ranch, Los Cabos Ranch, LLC has no reason to continue its operations.

12. Without his job with Cinch Energy Services LLC, Mark Lopez cannot guarantee that Los Cabos Ranch, LLC can keep up the mortgage payments, taxes, insurance and other ongoing obligations of the ranch.

13. Therefore, Mark Lopez as the managing member, along with the other members of Los Cabos Ranch LLC, desires to sell the ranch.

14. If not for the sale of the ranch, the real property might be lost to foreclosure.

15. Los Cabos Ranch LLC has obtained a buyer for the ranch for the purchase price of three million dollars (\$3,000,000.00).

16. From this sales price, all mortgage liens, *ad valorem* taxes, realtor fees and closing costs need to be deducted and paid. It is anticipated that there will be funds remaining after closing. (The actual total amount will not be known until the time of closing).

17. It is proposed that the remaining sum (the equity in the ranch) will be made payable to and deposited in the IOLTA account of the Chapter 7 Trustee, John Patrick Lowe to be held in trust for Mark Lopez, Los Cabos Ranch, LLC and the bankruptcy estate pending either (1) a settlement between the parties based upon Court approval, or (2) the adversary proceeding is litigated before this Court.

18. Upon the placement of equity funds into the IOLTA account of Chapter 7 Trustee, John Patrick Lowe the parties (Mr. Lopez together with Los Cabos Ranch, LLC,

and the Trustee and his counsel), will begin the negotiations in good faith. If negotiations are successful, the settlement will be noticed pursuant to Fed. R. Bankr. P. 9019, and the compromise will need to be approved by the Court.

19. The sale of the ranch will eliminate the purpose of the existence of Los Cabos Ranch, LLC.

20. Presently, Michael Mendieta has a *Lis Pendens* as to the ranch. He claims to have purchased a roping arena, which is on the ranch. The roping arena is not part of the sale of the ranch. Trustee's counsel informs that Michael Mendieta will remove the *Lis Pendens* and take possession of the roping arena. The roping arena has no known value to the bankruptcy estate. Michael Mendieta will not be paid out of the sales proceeds of the ranch.

21. The Bankruptcy Court has issued a preliminary injunction, which affects Mark Lopez and Los Cabos Ranch, LLC, and the actions each has purportedly taken. (AP Docket #96). Therefore, Mark Lopez and Los Cabos Ranch, LLC request that the injunction be lifted or modified to allow for the sale of the ranch.

22. The issue concerning the ranch does not include a debt owed to the debtor. It concerns whether Mark Lopez and/or Los Cabos Ranch, LLC are in possession of property of the bankruptcy estate<sup>5</sup>.

23. The sale of the ranch requires the permission of the Bankruptcy Court.

24. Attached to and made a part of this Motion are the following:

- a. The Resolution which allows Mark Lopez, as the managing member of Los Cabos Ranch, LLC, to sign the sales contract. This

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<sup>5</sup> Mark Lopez and Los Cabos Ranch, LLC deny that they are in possession of any property of the debtor's bankruptcy estate, but given this Bankruptcy Court's injunction both seek the authority of this Court to sell the ranch.

document contains the metes and bounds property description of the ranch. (Exhibit A).


- b. Agreement to Buy. (Exhibit B).
- c. The title report. (Exhibit C).

WHEREFORE, it is the prayer of Defendants Mark Lopez and Los Cabos Ranch, LLC that the Bankruptcy Court will order the sale of the ranch, as stated above, order the equity proceeds of the sale to be made payable to Chapter 7 Trustee, John Patrick Lowe for the limited purpose of holding the funds in trust for the benefit of Mark Lopez, Los Cabos Ranch, LLC and the bankruptcy estate, for the Trustee to place the funds in his IOLTA account, and lift any injunction as to the remaining implements contained on the ranch, including the roping arena of which Michael Mendieta has been asked to take possession.

Respectfully submitted,

**NEWTONS.LAW**

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Mark Lopez and Los Cabos Ranch LLC.*

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**CHARLES (CHUCK) NEWTON**  
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**CERTIFICATE OF CONFERENCE.**

I certify that I have spoken to Butch Boyd and Shelby Jordan, special counsel for the Chapter 7 Trustee, Cinch Wireline Services, LLC and they have stated that they agree to the sale.

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**CHARLES (CHUCK) NEWTON**

## **CERTIFICATE OF SERVICE.**

I hereby certify on this 5th day of August, 2024 a true and correct copy of the foregoing Motion as filed by Mark Lopez and Los Cabos Ranch, LLC was served on the following parties *via* the Court's CM/ECF system or otherwise served *via* email on the following:

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(Interested Party)

Representing:

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(Creditor)

Representing:

**Hunting Titan, Inc.**

(Creditor)

Representing:

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Representing:

**Craig Smith**

(Attorney)



Assigned: 05/28/2024

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(Interested Parties)

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Assigned: 12/13/2023

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Escrow Assistant for sale of ranch

  
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**CHARLES (CHUCK) NEWTON**